

Fullagar, Jill

From: Carlin, Jayne
Sent: Wednesday, July 31, 2013 6:54 PM
To: Gilder, Cindy J (DEC)
Cc: Sonafrank, Nancy B (DEC)
Subject: Comments on Alaska's Draft Non-Point Source Strategy
Attachments: AK NPS Strategy draft 6-24-2013 JC Cmts.docx

Hi Cindy,

Thank you for providing the draft NPS strategy for regional review. I realize that this undertaking has been a greater workload than anticipated, especially given the status of your CNP. You did a great job in compiling this strategy update.

I have received and incorporated all comments except from our state revolving fund and healthy watersheds folks who will be providing comments shortly.

See attached for detailed comments on your NPS Update. Below are general comments.

- You note that revisions to EPA's 319 grant guidance in 2013 **requests** that 50% of 319 funding be allocated toward directly addressing impaired waters under the guidance of a restoration plan. The guidance actually states: States **must use** at least 50% of the annual appropriation of § 319 funds (watershed project funds) to implement watershed projects guided by WBPs.... These guidelines further require that watershed project funds go toward restoring impaired waters through the implementation of WBPs or acceptable alternative plans. Activities necessary to implement WBPs or acceptable alternative plans for watersheds containing one or more impaired waters are considered restoration activities.
- You note that EPA's grant guidance provides for flexibility to use funds for protection provided the state strategy incorporates protection measures. Please include the process and the factors required in order to exercise this flexibility. Under EPA's 319 guidelines, EPA requires that watershed project funds go toward restoring impaired waters through the implementation of WBPs or acceptable alternative plans. However, where a state has an updated NPS management program that identifies protection of unimpaired/high quality waters as a priority and describes its process for identifying such waters, there is flexibility to use a limited amount of watershed project funds for activities to protect identified waters following consultation with EPA through § 319 grant work plan negotiations. The proportion of § 319 watershed project funds allocated to protecting unimpaired/high quality waters could vary depending on the relative priority of restoration and protection activities in the state's NPS management program and the array of projects ready for § 319 funding and implementation in that particular year. States may also use NPS program funds to protect unimpaired/high quality waters." (page 16 in the guidance). Using less than 50% of 319 funding towards restoration will need a 319 waiver.
- You need to discuss balancing restoration vs. protection priorities and the appropriate balance between statewide programs and on-the-ground projects. You need to provide a better road map to getting toward implementation of projects on priority state waters.
- We support Alaska's focus on targeted monitoring to evaluate waters in developing areas. Note that using 319 funding for monitoring waters to determine impairment may need a 319 waiver.
- We disagree that success of the program could be measured by the number of waters meeting designated uses or the failure by an increase in impaired waters. A robust monitoring program with increased monitoring may find more impairments, and it would still be a successful program. Using the size of the impaired waters list as a measure of success provides an incentive for not finding or trying to find impairments.
- You need to include how success will be measured for watershed protection (Number of miles of high-quality waters protected? Long-term protection of X acres in priority watersheds by 20XX? No waterbodies or reaches in high quality watersheds will be moved to the nonattainment lists due to NPS causes or pollution? Specific load reduction or maintenance goals (X lbs. of P per year) in protection oriented plans covering high value waters? Number or percentage of watersheds that hit their protection oriented goals each year? Improve trends in water quality of waterbodies that are threatened but not yet impaired so that the waterbodies remain off the nonattainment list? Number and type of BMPs

implemented at critical source areas (demonstrating effective targeting)? Stable or improving water quality/trophic status in lakes? Stable or improving water quality (biocriteria, DO, bacteria) in streams? Green infrastructure installed within watersheds e.g., track the number of projects or square footage converted to green infrastructure?).

- Where are goals, objectives and strategies for groundwater included?
- Describing how resources will be allocated between (a) abating known water quality impairments from NPS pollution and (b) protecting threatened high quality waters from significant threats caused by present and future NPS impacts is a key component for obtaining flexibility to use more resources for protection. You need to be more specific AK's approach for setting priorities and aligning resources between the twin demands of remedying waters that the state has identified as impaired by NPS pollution and preventing new water quality problems from present and reasonably foreseeable future. See page 55-56 of the 319 guidance. You describe the TMDL and NPDES programs instead of explaining the decision making process for resource distribution between restoration and protection. This is where the ACWA process would be included, as well as the annual PPA/PPG process, decisions on staffing and contract funding etc.
- Milestones should provide a measurement in which AK's NPS program can be evaluated. We noticed that the milestones tended to be worded vaguely using words such as "enhance, support, work with" with "ongoing" under timeframe for a majority of the milestones rather than specific dates. You need to be as specific as possible for the milestones and include dates for these specific commitments.
- You did a great job in describing the identification of waters, as well as describing several programs and including commitments under "Identification of priority waters for protection and actions." May be helpful to provide factors used in selecting high priority watersheds for protection (see page 17 on FY14 NPS and 319 Grant Guidelines for factors that can be used). Need to include other federal, state, local agency and partner programs (such as wild rivers programs, LID, NRCS, Nature Conservancy, land trusts) and their role in watershed protection or incorporate these agencies and organizations into your list provided in Appendix D and add information on their role with respect to watershed protection (you already noted roles with respect to NPS).
- Thank you for posting Alaska's priority waters and the track (protection, restoration, monitoring) on DEC's website at http://dec.alaska.gov/water/acwa/pdfs/High_Priority_Waters_Region_2013.pdf. Is this list covering 2014-2018 or does just a subset of that list cover this timeframe? Also you should include a schedule for prioritizing state waters for development of watershed-based plans or equivalent process.

Feel free to contact me with any questions etc.

Regards,

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<http://www.epa.gov/r10earth/tmdl.htm>